

# SENATE . . . . . No. 944

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Anthony D. Galluccio**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to consular identification.

PETITION OF:

NAME:

Anthony D. Galluccio

DISTRICT/ADDRESS:

Middlesex, Suffolk and Essex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO CONSULAR IDENTIFICATION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. As used in this act, the following words shall, unless the context otherwise requires, have the following meanings:-

‘Consular identification document’, an official identification card issued by a foreign government that meets all of the following requirements:

(a) The consular identification document is issued through the foreign government's consular offices for the purpose of identifying a foreign national who is living outside of that nation.

(b) The foreign government requires an individual to provide the following to obtain the consular identification document: (1) proof of nationality; (2) proof of identity; and (3) proof of residence in the consular district.

(c) The foreign government includes the following security features in the consular identification document: (1) a unique identification number; (2) an optically variable feature such as a hologram or color-shifting inks; (3) an ultraviolet image; (4) encoded information; (5) machine readable technology; (6) micro printing; (7) secure laminate; and (8) integrated photograph and signature.

(d) The consular identification document includes the following data: (1) the name and address of the individual to whom it is issued; (2) the date of issuance; (3) the date of expiration; (4) the name of the issuing consulate; and (5) an identification number. The consular identification document must include an English translation of the data fields.

(e) The issuing consulate has filed with the department of state police a copy of the issuing consulate's consular identification document and a certification of the procedures that are used to satisfy the requirements in subsections (a)-(d).

SECTION 2. (a) Notwithstanding any general or special law to the contrary, when requiring members of the public to provide identification, each state agency, department and employee thereof and each municipality and employee thereof shall accept a consular identification document as valid identification of a person.

(b) A consular identification document shall be accepted for purposes of identification only and does not convey an independent right to receive benefits of any type.

(c) A consular identification document may not be accepted as identification for obtaining a driver's license or registering to vote.

(d) A consular identification document does not establish or indicate lawful U.S. immigration status and may not be viewed as valid for that purpose, nor does a consular identification document establish a foreign national's right to be in the United States or remain in the United States.

(e) The requirements of subsection (a) do not apply if: (1) a federal law, regulation, or directive or a federal court decision requires a state agency, department and employee thereof and each municipality and employee thereof to obtain different identification; (2) a federal law, regulation, or directive preempts state regulation of identification requirements; or (3) a state agency, department and employee thereof or a municipality and employee thereof would be unable to comply with a condition imposed by a funding source which would cause the state agency or department or the municipality to lose funds from that source.

(f) Nothing in subsection (a) shall be construed to prohibit a state agency, department and employee thereof or a municipality and employee thereof from: (1) requiring additional information from persons in order to verify a current address or other facts that would enable the state agency, department and employee thereof or the municipality and employee thereof to fulfill its responsibilities, provided that a state agency, department and employee thereof or a municipality and employee thereof is not permitted to require additional information solely in order to establish identification of the person when the consular identification document is the form of identification presented; (2) requiring fingerprints for identification purposes under circumstances where the state agency or department or the municipality also requires fingerprints from persons who have a driver's license or identification card issued pursuant to section 8E of chapter 90 of the general laws; or (3) requiring additional evidence of identification if the state agency, department and employee thereof or the municipality and employee thereof reasonably

53 believes that: (i) the consular identification document is forged, fraudulent, or altered; or (ii) the  
54 holder does not appear to be the same person on the consular identification document.

55         SECTION 3. Use by a state agency, department or employee thereof or a municipality  
56 and employee thereof of information collected from, or appearing on, a consular identification  
57 document is subject to the same privacy and disclosure limitations that apply to a Massachusetts  
58 drivers license or identification card.